IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13802 of 2005

Between:

Little Rose English Medium High School, 8-14,

Gandhi Road, Chittoor, rep., by it's

Principal and Correspondent, B.Gopal Krishna Moorthy.

..... PETITIONER

AND

1 District Educational Officer, Chittoor District.
2 Muvva Ramalinglam, District Educational Officer,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing proceedings under R.O.C.No.1041/D2/2005 dated 7-5-2005 and ordering seizure of records as illegal and arbitrary and consequently direct the respondent to drop the proceedings and also pass such other order or orders as this Hon'ble Court deem fit and proper in the interest of justice and circumstances of the case.

Counsel for the Petitioner :Mr.R.V.SUBBA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

ORDER:

The writ petition is filed by the petitioner aggrieved by the action of the 1st respondent in ordering an enquiry as well as seizure of the records by proceedings dated 07-05-2005.

It is stated that the petitioner school was established in the year 1986 and started with classes' 1st to 5th. Subsequently, upgraded up to 10th Class, and recognition was accorded to this school for opening Classes 9th and 10th by the Regional Joint Director of School Education in the year 1999 and ever since, there were no complaints against the petitioner-institution. Further, it is stated that on certain third party complaints alleging that the petitioner had allowed certain excess students to appear for 7th class examination, even though they were not regular students of the petitioner school, the respondent ordered an enquiry. But, however, the grievance of the petitioner is that the respondents are at liberty to conduct enquiry but they have no right to seize the records of the petitioner affecting the activities of the petitioner's school.

The learned counsel for the petitioner also contended that the allegations are with reference to the allowing of students to appear for the common entrance examination in 7th class. But the respondents and the Deputy Educational Officer, who came for inspection with reference to the enquiry, seized all the records of the petitioner's school. Therefore, the said action of the respondent is illegal and without jurisdiction and sought for appropriate orders.

The learned Government Pleader stated that the records other than the registers relevant to the 7th class admissions and the list containing the candidates sent for examination may not be relevant, hence can be released.

Under the above circumstances, the writ petition is disposed of directing the 1st respondent to release all the registers except registers relating to the 7th class admission and the register relating to the 7th class candidates, who were sent for examination. The rest of the records are directed to be released within a period of one week from the date of receipt of a copy of this order. With reference to the enquiry, if any, proposed, the 1st respondent is also directed to expedite and complete the same within a period of eight weeks from the date of receipt of a copy of this order. After completion of the enquiry, the registers, if any, retained relating to

the 7th class shall also be returned to the petitioner.

Accordingly, the writ petition is disposed of with the above said directions. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 28..06..2005.

Note: Issue CC in two days.

(B/O)

RNS

To

1 District Educational Officer, Chittoor District.

2 Two CCs to G.P.for School Education,

High Court Buildings, High Court of A.P.,

Hyderabad.(OUT)

3 Two CD copies

4 One CC to MR.SUBBA RAO